

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 13-744 (DSD/JSM)

Federal Home Loan Mortgage
Corporation,

Plaintiff,

v.

ORDER

Mark W. Gerdes, Julie K. Gerdes,
John Doe and Mary Roe,

Defendants.

This matter is before the court upon the objection by defendants Mark W. Gerdes and Julie K. Gerdes (collectively, defendants) to the December 6, 2013, report and recommendation of Magistrate Judge Janie S. Mayeron. The magistrate judge recommended remanding the matter to Minnesota state court. Based on a review of the file, record and proceedings herein, and for the following reasons, the court overrules the objection and adopts the report and recommendation in its entirety.

Because an order remanding a case is dispositive of the case in federal court, the court reviews the report and recommendation de novo. See Fed. R. Civ. P. 72(b); D. Minn. LR 72.2(b); see also Abfalter v. Scott Cos., No. 01-1173, 2001 WL 1517035, at *1 (D. Minn. Nov. 27, 2001). After a de novo review, the court concludes that remand is appropriate, as courts in this district have determined in substantially similar eviction proceedings. See, e.g., Fed. Home Loan Mortg. Corp. v. Grantz, No. 13-1490, 2013 WL 5202393, at *1-2 (D. Minn. Sept. 12, 2013), adopted by 2013 WL

5203395 (Sept. 16, 2013). As a result, the court overrules the objection and adopts the report and recommendation in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The objection by defendants [ECF No. 34] is overruled;
2. The report and recommendation [ECF No. 33] is adopted in its entirety;
3. The matter is remanded to Minnesota state court.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: April 8, 2014

s/David S. Doty
David S. Doty, Judge
United States District Court